

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

GUIDELINES FOR PAYMENT
OF ATTORNEYS' FEES IN CHAPTER 13 CASES - OAKLAND DIVISION

The following are guidelines for the circumstances under which a detailed fee application need not be filed in Chapter 13 cases and the manner in which the Chapter 13 Trustee will disburse fees which are approved.

A. FEE APPLICATIONS.

1. Counsel may receive an order approving fees up to the amounts set forth in Paragraph 2 without filing a detailed application if:
 - a) Counsel has filed an executed copy of the "Rights and Responsibilities of Chapter 13 Debtors and Their Attorneys," copies of which are available in the Clerk's Office and in the Office of the Chapter 13 Trustee; and
 - b) No objection to the requested fees has been raised.
2. The maximum fee which can be approved through the procedure described in Paragraph 1 is: \$2,500 in nonbusiness cases and \$4,000 in business cases.

Retainers of more than \$1,000 in nonbusiness cases and \$2,000 in business cases will be closely scrutinized by both the Chapter 13 Trustee and the Court.
3. If an executed copy of the "Rights and Responsibilities of Chapter 13 Debtors and Their Attorneys" is not filed, or there is an objection, an order will not be entered automatically pursuant to these Guidelines. In such cases, counsel must apply for all fees, and shall comply with Bankruptcy Rules 2002 and 2016 as well as the "Guidelines for Compensation and Expense Reimbursement of Professionals" adopted by the Bankruptcy Judges of the Northern District of California.
4. If counsel has filed an executed copy of the "Rights and Responsibilities of Chapter 13 Debtors and Their

Attorneys," but the initial fee is not sufficient to fully compensate counsel for the legal services rendered in the case, the attorney may apply for additional fees. The form application attached hereto may be used in place of the procedures set forth in the "Guidelines for Compensation and Expense Reimbursement for Professionals." The necessity for a hearing on the application shall be governed by Bankruptcy Rule 2002(a)(6) and Local Bankruptcy Rule 9014-1(b)(1)(B).

5. All fees shall be paid through the plan unless otherwise ordered. The counsel may not receive fees directly from the debtor other than the initial retainer. The Chapter 13 Trustee shall pay counsel pro-rata with the secured claims, but not less than 20 percent of each plan payment. If there are no secured claims, counsel shall be paid in full prior to payment of priority and unsecured claims.
6. On its own motion or the motion of any party in interest, the Court may order a hearing to review any fee paid.